

ORIGINAL

(34)  
4-25-02  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**BEVERLY BEAM****Plaintiff****vs.**

**SCOTT DOWNEY, ROGER  
MORRISON, DAVID GRAYBILL  
AND MICHAEL SWEGER**

**Defendants****NO. 1:CV-01-0083****CIVIL ACTION - LAW****JURY TRIAL DEMANDED***J. Mc Clure***FILED**  
HARRISBURG, PA

APR 24 2002

MARY E. DUNN, CLERK  
Per *[Signature]*

**MOTION TO ENLARGE TIME TO FILE FOR  
ATTORNEYS' FEES AND COSTS**

AND NOW, come the Defendants, collectively, by and through their attorneys, who bring this Motion to Enlarge Time to File for Attorney's Fees, and aver as follows:

1. Plaintiff filed a Complaint on or about January 16, 2001.
2. On March 14, 2001, Defendant Downey, by and through his attorney, Stephen S. Russell, Esquire, filed a Partial Motion to Dismiss Plaintiff's Complaint and to Strike Impertinent Material.
3. On March 16, 2001, Defendant Morrison, by and through his attorney, Daniel P. Altland, Esquire, filed a Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6).

4. On March 19, 2001, Defendants Graybill and Sweger, by and through their attorney, Stephen J. Schiffman, Esquire, filed a Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6).

5. On or about April 10, 2002, the Court granted Defendants' Motions to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6).

6. Plaintiff filed a Notice of Appeal on or about April 16, 2002.

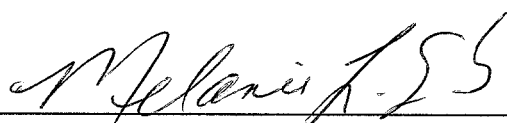
7. Defendants collectively believe that they are entitled to attorneys' fees and costs pursuant to Federal Rule of Civil Procedure 54 and 42 U.S.C. §1988.

8. As a result of Plaintiff's appeal, it would not be appropriate for Defendants to litigate their fees and costs at this time.

WHEREFORE, Defendants Scott Downey, Roger Morrison, David Graybill and Michael Sweger hereby respectfully request this Honorable Court to Enlarge the Time to File for Attorneys' Fees and Costs pending the resolution of Plaintiff's Appeal.

Respectfully submitted,

**SERRATELLI, SCHIFFMAN, BROWN  
& CALHOON, PC**

By:   
Steven J. Schiffman, Esquire

Dated: 4/24/02

I.D. No.: 25488  
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Attorneys for Defendants David Graybill  
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**STOCK AND LEADER**  
A Professional Corporation

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Attorneys for Defendant Scott Downey

Dated: \_\_\_\_\_

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Attorneys for Defendant Roger Morrison

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STOCK AND LEADER

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S. S. & C.

Hbg, Pa. 17110

NO. 0737

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NO. 0748 P. 2/2

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3401 North Front Street

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BEVERLY BEAM,

Plaintiff,

v.

SCOTT DOWNEY, ROGER  
MORRISON, DAVID GRAYBILL,  
and MICHAEL SWEGER,

Defendants.

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: CIVIL ACTION LAW  
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: Docket No.: 1: CV-01-0083  
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: (Judge McClure)  
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**CERTIFICATE OF NONCONCURRENCE**

I, Melanie L. Erb, Esquire, certify that I have contacted Counsel for Plaintiff to seek his concurrence and/or nonconcurrence in the within Motion. Plaintiff does not concur in Defendants' Motion.

**SERRATELLI, SCHIFFMAN, BROWN  
& CALHOON, PC**

By



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Dated: April 24, 2002

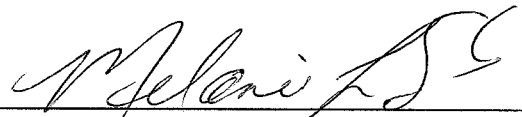
**CERTIFICATE OF SERVICE**

I, Melanie L. Erb, Esquire, hereby certify that I have served a true and correct copy of the foregoing document by depositing such in the regular U.S. Mail, addressed as follows:

Don Bailey, Esquire  
4311 N. Sixth Street  
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